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January 5, 2009

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H.
Director and Health Officer

SUBJECT: **SEWAGE SPILL FOLLOW-UP REPORT**

On March 25, 2008, the Board approved a motion by Supervisor Knabe, seconded by Supervisor Yaroslavsky, to adopt the seven recommendations contained within the Auditor-Controller's March 3, 2008 follow-up report on the implementation of recommendations contained in their January 2007 Sewage Spill Report.

The motion further instructed the Auditor-Controller to provide quarterly reports to the Board; and in consultation with the County's Public Health Commission, to conduct a follow-up review on the status of all recommendations and report back to the Board as a set item at its meeting of March 24, 2009.

Based on discussions with the Auditor Controller regarding quarterly reporting, it was agreed that Public Health will assume responsibility for providing quarterly reports to the Board. This is the third quarterly report. Attachment I is a progress report providing the current status of each of the seven recommendations from the Auditor-Controller's March 3, 2008 report

I will provide you with the next report by March 15, 2009. In the meantime, if you have any questions or need additional information, please let me know.

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PH:701:010(13)

Attachment

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors
Auditor-Controller
Public Health Commission
Environmental Health Director, Public Health

**PROGRESS REPORT ON IMPLEMENTING
AUDITOR CONTROLLER RECOMMENDATIONS
REGARDING SEWER SPILL NOTIFICATION
December 26, 2008**

1. Follow-up with the Regional and State Water Board's Executive Director to learn the outcome of your Board's requests at their Management Coordinating Committee meeting, and continue to monitor these issues (i.e., Recommendations 1, 2, 3 and 5 from the Auditor-Controller's March 3, 2008 report) until they are addressed.

On September 24, 2008, Environmental Health received correspondence from the State Board regarding the County's requests and recommendations to amend the WDR, NPDES permit system and to convene a statewide work group to develop specific sanitary sewer maintenance standards. Below are the State Board's responses to the four County recommendations:

The Board of Supervisors consider requesting the Los Angeles Regional Water Quality Control Board to:

Recommendation #5: Amend the Waste Discharge Requirements (WDR) to include a requirement that specifies when the County's Public Health Officer should be notified of a sewage spill

The State Water Board stated that on February 20, 2008, the Monitoring and Reporting Program (MRP) was amended to include the two-hour notification requirement. In addition, a new MRP (No. 2008-0002-EXEC) was implemented requiring immediate notification to the Office of Emergency Service (OES), local public health officials, and the appropriate Regional Water Quality Control Board of a spill or overflow that affects a drainage channel or surface water body.

Recommendation #1: Amend the National Pollutant Discharge Elimination System (NPFES) permit and Waste Discharge Requirements (WDR) to require sewer system owners/operators to:

- a) At a minimum, operate and maintain their sewer system equipment at the level specified by the equipment's manufacturer with additional maintenance performed as necessary to prevent sewage spills from occurring.
- b) Perform regular tests of their pumping station alarm systems, backup pumps, and the electrical generators to ensure they will function as intended during an emergency.
- c) Maintain documentation to support all maintenance and testing of their sewer systems.

The State Water Board stated that in early 2009 it will evaluate the appropriateness for adding additional NPDES requirements for equipment maintenance and testing.

Recommendation #2: Convene a work group of key stakeholders to develop specific maintenance standards for owners/operators of sanitary sewer systems in Los Angeles County.

The State Water Board stated that due to a current hiring freeze it is unable to convene such a work group until additional staff resources are available. It will notify Environmental Health when it is able to do so.

Recommendation #3: Seek appropriate authority and funding to create and operate an ongoing independent sanitary sewer collection system monitoring program. The program would monitor sanitary sewer owners/operators for compliance with established maintenance standards and would include a written report on the monitoring results.

The State Water Board stated that due to a current hiring freeze, it is unable to hire a position dedicated to the SSO program. However, it does plan to evaluate the possibility of incorporating a new SSO surveillance and monitoring program in 2009 and will provide Environmental Health with updates.

The State Water Board, in cooperation with its nine Regional Water Boards, is close to completing a statewide effort to revise the notification requirements for each wastewater treatment plant permitted under the NPDES regulations.

2. **Pursuant to Recommendation 15, seek an amendment to the Water Code to require that at least one of the Water Board's seven membership categories include someone with a public health background.**

The County's Legislative Advocates in Sacramento have informed us that it is highly unlikely that an attempt by the County to sponsor legislation requiring a member of the Regional Water Board to have Public Health expertise will be successful at this time. This opinion is informed, in part, by the difficulties that our Advocates encountered while trying to include such a provision in an early draft of AB 800 in 2007.

3. **At least quarterly, review the Governor's Office of Emergency Services' website to determine whether sewage spills are being reported to the County Public Health Officer.**

The Governor's Office of Emergency Services (OES) has improved reporting of sewage spills in recent months. Reviews of OES online reporting records compared with Environmental Health's database revealed that from January 1, 2008 to November 30, 2008, Environmental Health was informed of all spill incidents that were reported to OES. Environmental Health will continue to monitor the OES website on a quarterly basis.

4. **Send letters to dischargers and the Governor's Office of Emergency Services to remind them of their legal responsibility to notify the County Public Health Officer of sewage spills.**

In order to ascertain whether or not dischargers are reporting spills in a timely and appropriate manner, Environmental Health conducts quarterly reviews of sewage spill reports received from OES and the Water Board. If a city fails to report a sewage spill to Environmental Health, a letter is sent to the city notifying it of each reporting failure and reminding it of its reporting responsibilities.

Environmental Health has noted significant improvement in the reporting of sewage spills from cities in recent months. From September 1, 2008 to November 30, 2008, there were five cities that reported sewage spills to the Water Board but failed to report them to Environmental Health. These cities received letters notifying them of each reporting failure and reminding them of their reporting responsibilities.

Environmental Health has continued its monitoring of all sewage spills/discharges in Los Angeles County. From September 1, 2008 through November 30, 2008, Environmental Health received 165 sewage spill/discharge reports.

5. As appropriate, consult County Counsel regarding the enforcement of the State's sewage spill notification requirements.

On December 5, 2008, Environmental Health staff held a meeting with County Counsel. County Counsel advised Environmental Health staff to meet with individual cities to review sewage spill reporting procedures prior to initiating legal action. If cities continue to fail to report sewage spills after these meetings, Environmental Health will discuss the matter with County Counsel for possible legal action.

To date, only one city has continually failed to report sewage spills to Environmental Health. A meeting will be held with that city in early 2009.

6. Department of Public Health management report back to the Board in three months on the status of the educational brochures/posters, including what action has been taken to finalize/distribute the brochures/posters, feedback from owners/operators of sanitary sewer systems, and any recommendations for improving these educational materials.

The educational brochures and posters were mailed on June 23, 2008. Environmental Health distributed approximately 17,000 brochures to public agencies that own or operate wastewater collection systems in Los Angeles County, including the County Department of Public Works and the Sanitation Districts of Los Angeles County. Included with the brochures were instructions for cities and sewer agencies to distribute the brochure to sewer contractors as part of the permit process.

Environmental Health also distributed a similar brochure to owners of approximately 42,000 food facilities and 70,000 multiple family dwelling units. The brochures provide information on common causes of spills, spill prevention methods for sewage dischargers, the environmental and public health impact of discharges, and the reporting responsibilities including where/how to report discharges. After the brochures were mailed, Environmental Health received positive feedback from the owners of food facilities and multiple family dwellings. Many owners thanked Environmental Health staff and requested additional brochures to distribute to employees and tenants.

Environmental Health also distributed a notification poster to all public agencies that own and operate pump stations in Los Angeles County. The intent of the poster is to provide pump station personnel with direct and immediate access to emergency contact telephone numbers for reporting sewage spills to Environmental Health and OES.

7. **Department of Public Health management, in collaboration with the County Public Health Commission, work with the Regional Water Board in developing and distributing a sewage spill notification chart that shows the timeline requirements for reporting sewage spills to agencies such as the Department of Public Health, Regional Water Board, and the Governor's Office of Emergency Services.**

Environmental Health has developed a sewage spill notification chart showing the timeline requirements for reporting sewage spills to Environmental Health, OES, and the Regional Water Board, as well as "Best Practices" for spill prevention.

On September 17, 2008, letters were mailed to the Director of OES, and the Executive Officer of the Regional Water Board, soliciting their review and comments of the proposed Sewage Spill Notification Chart.

On October 9, 2008, Environmental Health presented the Sewage Spill Notification Chart at the Public Health Commission meeting. The commissioners were asked to review the chart and advise Environmental Health if they had any revisions or recommendations. At this meeting, Environmental Health staff also briefed the commissioners on progress made on the seven Auditor Controller recommendations and actions taken by Environmental Health staff to protect public health in the event of a sewage spill in water or on land. Environmental Health plans to attend the January 22, 2009 Public Health Commission meeting to discuss its review of the chart.

On October 29, 2008, Environmental Health received a letter from the Regional Water Board regarding its comments on the Sewage Spill Notification Chart. It expressed appreciation to Environmental Health for preparing the chart and suggested a few minor revisions. These revisions will be incorporated into the final draft of the chart.

To date, Environmental Health has not received a response from the Director of OES regarding review of the chart.